Remarks

In response to the Office Action dated February 28, 2007, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance

Claims 6-8, 23, 25, 27-32 are pending. Claim 26 has been cancelled without prejudice or disclaimer. Claims 6 and 7 have been amended to remove the recitation of "first location" and to instead recite "location." Applicants assert that these amendments do not raise any new issues such that they should be permissible after final.

102 Rejections

Claims 6, 23, 25, 27, and 29-32 stand rejected under 35 USC 102(e) as being anticipated by Medvinsky (US Pat 6,754,908). Applicants respectfully traverse these rejections to the extent they apply to the currently pending claims.

Claims 6 and 23

Claim 6 recites a method for communicating with a remote set top box (STB) that provides a service to end users comprising receiving at a location remote from the STB a first item of information related to parameter settings associated with the STB from the STB, the parameter settings affecting the provisioning of the service to the end user. Claim 6 further recites "comparing at the location remote from the STB the first item of information with a second item of information… and based on a result of the comparing, communicating an instruction to change at least one of the parameter settings affecting the provisioning of the service to the end user from the location remote from the STB to the STB." Medvinsky fails to disclose these recitations.

Medvinsky describes four separate embodiments shown in FIGs 6-9. The Office Action cites to column 7, line 32 – column 8, line 67, which is the description of the embodiments of FIGs 6 and 7. Applicants will address each of the four embodiments.

In the embodiment of FIG. 6, the head end sends at step 608 a test signatory group and signature with random error without being prompted to do so by the set top box. This step 608 is not the head end communicating an instruction based on a result of comparing a first item from the STB to a second item. While the STB reports an error in

response to the test signatory group at step 620, this occurs only if the STB is operating properly and the head end provides no further communication to the STB. Thus, there is no communication of an instruction based on the result of a comparison from the location to the STB as recited in the claim, and therefore, the embodiment of FIG. 6 in Medvinsky fails to describe all of the claim recitations for at least these reasons.

In the embodiment of FIG. 7, the head end sends at step 708 a test signatory group without being prompted to do so by the set top box. This step 708 is not the head end communicating an instruction based on a result of comparing a first item from the STB to a second item. While the STB reports an error in response to the test signatory group at step 740 if the STB has been hacked, there is no further information sent from the head end to the STB as a result of receiving that report of an error. Thus, there is no communication of an instruction based on the result of a comparison from the location to the STB as recited in the claim, and therefore, the embodiment of FIG. 7 in Medvinsky fails to describe all of the claim recitations for at least these reasons.

In the embodiment of FIG. 8, the head end sends at step 808 a Trojan horse group without being prompted to do so by the set top box. This step 808 is not the head end communicating an instruction based on a result of comparing a first item from the STB to a second item. While the STB reports an error in response to the Trojan horse group at step 824 if the STB is operating properly, there is no further information sent from the head end to the STB as a result of receiving that report of an error. Furthermore, where the STB has been hacked, then the STB does not provide any response but the Trojan horse merely activates at the STB at step 840. Thus, in either the case of the properly functioning STB or the hacked STB, there is no communication of an instruction based on the result of a comparison from the location to the STB as recited in the claim, and therefore, the embodiment of FIG. 8 in Medvinsky fails to describe all of the claim recitations for at least these reasons.

In the embodiment of FIG. 9, the head end sends at step 908 a Trojan horse group without being prompted to do so by the set top box. This step 908 is not the head end communicating an instruction based on a result of comparing a first item from the STB to a second item. While the STB reports an error in response to the Trojan horse group at step 928 if the STB is operating properly, there is no further information sent from the

head end to the STB as a result of receiving that report of an error. Furthermore, where the STB has been hacked, then the STB does not provide any response but the Trojan horse merely activates at the STB at step 944. Thus, in either the case of the properly functioning STB or the hacked STB, there is no communication of an instruction based on the result of a comparison from the location to the STB as recited in the claim, and therefore, the embodiment of FIG. 9 in Medvinsky fails to describe all of the claim recitations for at least these reasons.

Furthermore, none of the embodiments of Medvinsky disclose comparing a first item of information with a second item of information that is related to parameter settings expected to be associated with the STB. Medvinsky receives an error message from the STB to detect whether it has been hacked. The head end detecting whether the STB has or has not sent an error message in order to determine whether the STB has been hacked is not comparing a first item of information with a second item of information, especially where the second item of information is related to parameter settings expected to be associated with the STB. Thus, Medvinsky fails to disclose all of the recitations of claim 6 for this additional reason.

Accordingly, claims 6 and 23 are allowable over Medvinsky for at least these reasons. Furthermore, additional dependent claims 7 and 8 depend from an allowable base claim and are also allowable for at least the same reasons.

Claim 25, 27, and 29-32

Claim 25 recites a computer readable medium having encoded instructions that causes at least one computer to receive a first item of information from a set top box (STB) that provides a service to end users, wherein the first item of information relates to parameter settings that affect the provisioning of the service to the end user and that are associated with the STB retrieve a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB, compare the first item of information with the second item of information, and send an STB instruction to the STB wherein the instruction is adapted to change at least one of the parameter settings affecting the provisioning of the service to the end user.

Medvinsky fails to disclose all of these recitations. As previously discussed above in relation to claim 6, Medvinsky describes either receiving an error message at the head end from the STB or not receiving an error message as the basis for determining whether the STB has been hacked. At no point does Medvinsky disclose comparing a first item of information from the STB to a second item of information that relates to parameter settings expected to be associated with the STB. Furthermore, Medvinsky does not disclose such second information being from a database spaced from the STB. Thus, for at least these reasons, Medvinsky fails to disclose all of the elements of claims 25, 27, and 29-32. Additional dependent claim 28 depends from an allowable base claim and is also allowable for at least the same reasons.

103 Rejections

Claims 7 and 26 are rejected as being unpatentable over Medvinsky in view of Nobakt (US Pat 7,111,051). As noted above, claim 26 is canceled without prejudice or disclaimer, rendering this rejection moot with regard to claim 26. Claims 8 and 28 are rejected as being unpatentable over Medvinsky in view of Moroney (US Pat 6,532,593). Applicants respectfully traverse these rejections.

As stated above, each of these dependent claims depend from an allowable base claim. Furthermore, Nobakt and Moroney fail to account for the deficiencies in Medvinsky as discussed above such that the purported combinations of references with Medvinsky also fail to account for the recitations of claims 6 and 25.

Conclusion

Applicants assert that the application including claims 6-8, 23, and 25, and 27-32 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: April 29, 2007

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